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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,439	04/11/2006	Jun Asakura	40213	1889
52054	7590	02/14/2008		
PEARNE & GORDON LLP			EXAMINER	
1801 EAST 9TH STREET			BATISTA, MARCOS	
SUITE 1200				
CLEVELAND, OH 44114-3108			ART UNIT	PAPER NUMBER
			4134	
			NOTIFICATION DATE	DELIVERY MODE
			02/14/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/575,439	<b>Applicant(s)</b> ASAKURA, JUN
	<b>Examiner</b> MARCOS BATISTA	<b>Art Unit</b> 4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 11 April 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449)  
 Paper No(s)/Mail Date 11 April 2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it should be limited to a single paragraph and not more than 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta (US 20040235539 A1), hereafter "Ohta," in view of Mizuta et al. (US 20030211874 A1), hereafter "Mizuta."

Consider claim 1, Ohta discloses a voice input section (see Fig 1 #119, [0028]). Ohta also teaches a voice output section (see Fig 1 #125, [0028]). Ohta further teaches a communication section for communicating a voice signal input from the voice input section to an intended party (see abstract, Fig 1, [0029]). Ohta also teaches a positional relation sensing unit which senses the relative position relation between the first cabinet and the second cabinet (see abstract, Fig 2 #159, [0009], [0028]). Ohta further teaches a voice control unit which inhibits signal transmission from the voice input section to the voice output section and signal transmission from the voice input section to the communication section for muting if the first and second cabinets are in a

transition state from an open state to a closed state or the closed state to the open state based on output of the positional relation sensing unit (see Fig 6 #301, [0048], [0049], [0052]).

Ohta teaches claim 1 above, but does not particular refer to a mobile terminal apparatus which can be opened and closed as a first cabinet slides and moves relative to a second cabinet. Mizuta teaches a mobile terminal apparatus which can be opened and closed as a first cabinet slides and moves relative to a second cabinet (see Fig 2 (a), Fig 4 (a), abstract, [0006]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ohta and have it include a mobile terminal apparatus which can be opened and closed as a first cabinet slides and moves relative to a second cabinet, as taught by Mizuta. The motivation would have been in order to provide portability and functionality conveniences to the user (see Fig 2 (a), Fig 4 (a), abstract [0006]).

Consider claim 2, Ohta as modified by Mizuta teaches claim 1. Ohta also teaches voice control unit continues the muting for predetermined time period from the point in time when the first and second cabinets enter the open state or the closed state from the transition state, and wherein the voice control unit releases the muting after the expiration of the predetermined time period (see Fig 7 #S705, [0051]).

Consider claim 3, Ohta as modified by Mizuta teaches claim 1 above, but does not particular refer to the positional relation sensing unit comprises: a magnetic material provided at least in one of the first cabinet and the second cabinet or a magnetic sensing element, provided in the cabinet opposed to the cabinet in which the magnetic material is disposed, for sensing a magnetic field of the magnetic material cabinet. Mizuta discloses a magnetic material sensor provided at least in one of the first cabinet and the second cabinet (see Fig 11 #210, #106, [0031], [0036]). Mizuta also discloses a magnetic sensing element, provided in the cabinet opposed to the cabinet in which the magnetic material is disposed, for sensing a magnetic field of the magnetic material cabinet (see Fig 11 #210, #106, [0031], [0036]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ohta and have it include a magnetic material provided at least in one of the first cabinet and the second cabinet and a magnetic sensing element, provided in the cabinet opposed to the cabinet in which the magnetic material is disposed, for sensing a magnetic field of the magnetic material cabinet, as taught by Mizuta. The motivation would have been in order to provide a positioning detection mechanism with respect to the opening or closing of the radio terminal (see Fig 11 #210, #106, [0031], [0036]).

Consider claim 4, Ohta as modified by Mizuta teaches claim 1. Ohta also teaches the positional relation sensing unit comprises a switch which is provided at least in one of the first cabinet and the second cabinet and is pressed as the opposed cabinet makes a slide move (see Fig 6 #301, Fig 7 #S703, [0048], [0049] – where Ohta teaches a controller that switches the muting section as the radio terminal opens/closes).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Derrick Ferris can be reached at (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Marcos Batista*

/M. B./

02/05/2008

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 4134